

## CONVEYANCE OF PROPERTY IN POPE COUNTY, ARKANSAS

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SEPTEMBER 7, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany S. 1537]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1537) to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

S. 1537 would direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

#### BACKGROUND AND NEED FOR LEGISLATION

The existing New Hope Cemetery is roughly four to five acres and nearly full. It abuts National Forest System land in Pope County, Arkansas. The Forest Service initially identified 1.1 acres of surplus land which could be conveyed to the New Hope Cemetery Association to expand the cemetery under existing law, but the land was appraised for far more than the Association could afford.

This is an important and emotional issue for the affected community. The Cemetery does not charge for burial, so there is no profit motive. Additionally, this is a rural and somewhat poor area, and the New Hope Cemetery has become an important issue for aging residents who wish to be buried close to family. The conveyance would not create additional management boundaries for the Forest Service and the agency has no need for the land. Accordingly,

under the bill, the Forest Service would convey the 1.1 acres at no cost to the Association for use as a cemetery. If the Association discontinues this use, the land would, at the option of the Secretary of Agriculture, revert back to the Forest Service.

#### COMMITTEE ACTION

S. 1537 was introduced on July 31, 2003, by Senator Blanche Lincoln (D-AR). On November 24, 2003, the Senate passed the bill by unanimous consent. In the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On April 28, 2004, the Subcommittee held a hearing on the bill. On July 14, 2004, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill could affect direct spending, but any such effect would be "negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*S. 1537—An act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the state of Arkansas for use as a cemetery*

CBO estimates that enacting S. 1537 would have no significant impact on the federal budget. The bill could affect direct spending, but we estimate that any such effects would be negligible. S. 1537 would not affect revenues. S. 1537 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 1537 would direct the Secretary of Agriculture to convey, for no consideration, 1.1 acres of federal land in Pope County, Arkansas, to the New Hope Cemetery Association for use as a cemetery. According to the Forest Service, the land to be conveyed currently generates no significant receipts and is not expected to do so over the next 10 years. Hence, CBO estimates that conveying it would not significantly affect offsetting receipts (a credit against direct spending). Based on information from the Forest Service, we also estimate that the agency would spend less than \$50,000 in 2005 to complete the proposed conveyance, assuming the availability of appropriated funds.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

